

**NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
August 1 - 31, 2023¹**

**During this reporting period, NOAA charged 13 cases, settled 10 cases²,
and otherwise resolved 2 cases.**

ALASKA

1. AK2000930; F/V America's Finest and F/V U.S. Intrepid – Owner Fishermen's Finest, Inc. et al was charged under the Frank Lobiondo Coast Guard Authorization Act of 2018 with exceeding mothership processing caps of Flathead sole, Yellowfin sole, and Alaska plaice. A \$48,183 NOVA was issued, and the case settled for \$47,183.
2. AK2301745; M/V Phoenix – Owner Phoenix Processor LP and Operator David Long were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with failing to submit check-in/check-out reports or have an operational VMS on board while operating a mothership in the Bering Sea. A \$5,000 NOVA was issued.

NORTHEAST

3. NE2202507 – International Fisheries Trade Permit holder Merex Seafoods USA, Inc. was charged under the Magnuson-Stevens Act with importing species subject to the Seafood Import Monitoring Program (“SIMP”) without submitting accurate and complete information at the time of entry and failing to maintain chain-of-custody records required under SIMP. A \$12,750 NOVA was issued.
4. NE2204267A; F/V Lucy Ella – Owner/Operator Cory Leduc was charged under the Magnuson-Stevens Act with failing to report Atlantic bluefin tuna in a timely manner on five occasions and selling an Atlantic bluefin tuna to a person other than a permitted dealer. A \$22,500 NOVA was issued.
5. NE2204267B – Restaurant Owner MacVane Tray Enterprises, Inc. and Principal Rattanak Tray were charged jointly and severally under the Magnuson-Stevens Act with first receiving an Atlantic bluefin tuna by way of purchase without the proper dealer permit. A \$6,500 NOVA was issued.
6. NE2300903; M/V The Three B's – Owners/Operators John Bergantino and Carolyn Bergantino were charged jointly and severally under the Endangered Species Act and the Marine Mammal

¹ This report is not considered to be a publication. All data are provisional.

² This report provides the final settlement amount where applicable. Additional details regarding the settlement and structure of the settlement payments, including the factors considered in reaching settlement, are omitted.

Protection Act with violating the North Atlantic right whale speed regulation. A \$22,500 NOVA was issued.

PACIFIC ISLANDS

7. PI2300982; F/V St. Damien – Owner Okay LLC and Operator Kinh Anthony Nguyen were charged jointly and severally under the High Seas Fishing Compliance Act with conducting commercial fishing without a valid permit. A \$10,000.00 NOVA was issued.
8. PI2301433; F/V Destiny – Owner Pac Rim Leasing LLC and Operator Kimon Smith Giomassis were charged jointly and severally under the Magnuson-Stevens Act with conducting prohibited commercial fishing in the Pacific Remote Islands Marine National Monument. A \$33,905 NOVA was issued, and the case settled for \$30,514.50.
9. PI2302421; F/V American Triumph – Owner Tradition Mariner, LLC and Operator Steven J Ribeiro were charged jointly and severally under the Marine Mammal Protection Act with illegally taking marine mammals on waters on the high seas. A \$122,160.00 NOVA was issued, and the case settled for \$109,944.

SOUTHEAST

10. SE2300439; F/V FL3669PF – Owner/Operator Stanley Eugene Harrison (d/b/a Anchors Aweigh Fishing Charters & More LLC) was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A \$16,000.00 NOVA was issued.
11. SE2205167; F/V Miss Donna – Owner Glenhart Brooks III and Operator Jessie Lamar Reed were charged jointly and severally under the Magnuson-Stevens Act with illegally fishing or possessing fish in a closed area. A \$17,500.00 NOVA was issued.
12. SE2207167; F/V Summer Salt II – Owner/Operator Albert Leonard Clark IV (d/b/a Sealark Charters LLC) was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish on a charter vessel in the EEZ without a federal charter permit. A Written Warning was issued.
13. SE2300568; F/V Miss Donna – Owner Glenhart Brooks III and Operator Patrick Murphy were charged jointly and severally under the Magnuson-Stevens Act with illegally fishing and possessing fish in a closed area. A \$16,212.00 NOVA was issued.

WEST COAST

None.

Resolved Cases Charged Before August 1, 2023

ALASKA

1. AK2207263; F/V Alaskan Pearl – Operator Filaret I. Basargin and Owner Alaskan Pearl Fisheries, LLC were charged jointly and severally under the Northern Pacific Halibut Act and the Magnuson-Stevens Act with retaining IFQ halibut in a regulatory area without sufficient IFQ onboard, failing to follow the check-out procedures in IPHC Area 4A, and failing to have VMS activated. The proceeds (\$21,012.88) of the violation were forfeited by abandonment. A \$17,700 NOVA was issued, and the case settled for \$15,930, [See Charged Cases, Item 2, from March 2023 Report]

NORTHEAST

2. NE2204073; F/V Rhiley Donn – Owner Calnan Associates, Inc. and Operator Michael P. Calnan were charged jointly and severally under the Magnuson-Stevens Act with fishing for summer flounder, skate, monkfish, and winter flounder with an expired permit. 2,892 pounds of flounder, fluke, monk, and skate were voluntarily abandoned. A \$3,000 NOVA was issued, and the case settled for \$2,700. [See Charged Cases, Item 7, from June 2023 Report]
3. NE2300738; M/V Black Jack – Owner/Operator Blackjack Marine, LLC was charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic right whale speed regulation. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 6, from July 2023 Report]

PACIFIC ISLANDS

4. PI1907011; F/V American Eagle – Owners American Eagle Fishing LLC and Tradition Mariner, LLC and Operators Sergio Gonzalez and Joseph Da Silva were charged jointly and severally under the Western and Central Pacific Fisheries Convention Implementation Act with unlawfully setting purse seine nets on whale sharks. A \$157,030 NOVA was issued, and the case settled for \$141,327 with Owners and Operator Sergio Gonzalez. Operator Joseph Da Silva was dismissed. [See Charged Cases, Item 11, from February 2023 Report].
5. PI2301124; F/V Queen Diamond – Operator Charles Nguyen Harrington was charged under the Magnuson-Stevens Act with failing to maintain safe conditions for the protection of an observer. A \$5,750 NOVA was issued, and the case settled for \$5,175. [See Charged Cases, Item 7, from July 2023 Report]

SOUTHEAST

6. SE2105588; F/V TX6994CZ – Operator Humberto Villarreal was charged under the Magnuson-Stevens Act with possessing red snapper during a closed season. A \$2,500.00 NOVA

was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 10, from July 2023 Report].

7. SE2200197; F/V Longway – Owner/Operator Christopher Long was charged under the Magnuson-Stevens Act with exceeding the bag limit for black sea bass and for making a false statement to an authorized officer. A \$132,800 NOVA and 132 day NOPS were issued. The case settled for \$100,000. [See Charged Cases, Item 3, from July 2022 Report]
8. SE2300892; M/V Amara – Owner Adventure of Amara, LLC, and Operator Gregory Gaskins were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$22,500 NOVA was issued, and the case settled for \$20,250. [See Charged Cases, Item 11, from June 2023 Report].

WEST COAST

9. WC2206980; S/V Meatball – Owner/Operator Ray Mosier Jr. of 30’ sailboat was charged under National Marine Sanctuaries Act with discharge/depositing unauthorized material within the Monterey Bay National Marine Sanctuary when the vessel broke free from its mooring and grounded. A \$5,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 10, from July 2023 Report].